समक्ष माननीय म॰प्र॰ राज्य प्रशासनिक अधिकरण , खंडपीठ रायपुर

(छत्तीसगढ़) CAT/J/37/2001

मूल आवेदन क्रमांक --------/2001

आवेदक :- पी॰ एस॰ चतुर्वेदी उम्र 46 वर्ष,
सहायक शिक्षक,
शासकीय बालक उच्चतर माध्यमिक शाला
सरकंडा , जिला बिलासपुर छ॰ग॰

विरूद्ध

अनावेदकगण :- छत्तीसगढ़ शासन
द्वारा सचिव,
स्कूल शिक्षा विभाग, डी॰के॰ एनेक्स भवन
रायपुर छ॰ग॰

2- जिला शिक्षा अधिकारी, बिलासपुर
जिला बिलासपुर (छ॰ग॰)

NOTARY
I. C. TIWARY
NOTARY (ADVOCATE)
Raipur Distt.
RAIPUR (M.P.) INDIA
Reg.No.-M.P.
27/12/1-98
GOVERNMENT OF INDIA

आवेदन पत्र अन्तर्गत धारा 19 म॰प्र॰ राज्य प्रशासनिक अधिकरण अधि-
-नियम 1985

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HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (S) No. 3792 of 2005

Petitioner P. S. Chaturvedi

Versus

Respondents State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Anupam Dubey, Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher in Higher Secondary School, Sarkanda, District – Bilaspur was transferred to Bhadi, Block - Bilha, on the same terms and conditions vide impugned order dated 3.9.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 20.9.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on 17.9.2001. By virtue of the interim order the petitioner is working at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur